

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

**CHAIRMAN:**  
Judge John G. Heyburn II  
United States District Court  
Western District of Kentucky

**MEMBERS:**  
Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

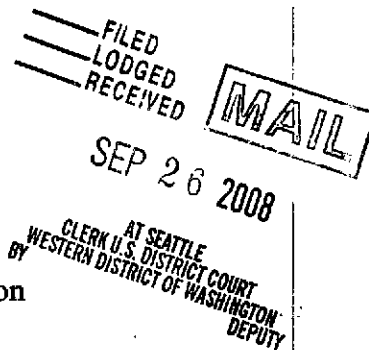
**DIRECT REPLY TO:**

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

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<http://www.jpml.uscourts.gov>

September 24, 2008

Bruce Rifkin, Clerk  
U.S. Courthouse, Lobby Level  
700 Stewart Street  
Seattle, WA 98101



Re: MDL No. 1972 -- IN RE: Hawaiian and Guamanian Cabotage Antitrust Litigation

(See Attached CTO-3)

Dear Mr. Rifkin:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on September 8, 2008. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi  
Clerk of the Panel

By Dana L. Stewart  
Dana L. Stewart  
Deputy Clerk

Attachment

cc: Transferee Judge: Judge Thomas S. Zilly  
Transferor Judge: Judge Joseph C. Spero  
Transferor Clerk: Richard W. Wieking



08-MD-01972-RCPT

**IN RE: HAWAIIAN AND GUAMANIAN CABOTAGE  
ANTITRUST LITIGATION**

MDL No. 1972

**INVOLVED COUNSEL LIST (CTO-3)**

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San Francisco, CA 94104

Inasmuch as no objection is pending at this time, the stay is lifted.

SEP 24 2008

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JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

SEP - 8 2008

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UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: HAWAIIAN AND GUAMANIAN CABOTAGE  
ANTITRUST LITIGATION

CV8

1457 *z*

Brian Foster v. Horizon Lines, Inc., et al.,  
N.D. California, C.A. No. 3:08-3877

MDL No. 1972

CONDITIONAL TRANSFER ORDER (CTO-3)

On August 13, 2008, the Panel transferred six civil actions to the United States District Court for the Western District of Washington for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* \_\_\_ F.Supp.2d \_\_\_ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Thomas S. Zilly.

It appears that the action on this conditional transfer order involves questions of fact that are common to the actions previously transferred to the Western District of Washington and assigned to Judge Zilly.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the Western District of Washington for the reasons stated in the order of August 13, 2008, and, with the consent of that court, assigned to the Honorable Thomas S. Zilly.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Western District of Washington. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

A CERTIFIED TRUE COPY

SEP 24 2008

ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

*Jeffery N. Lüthi*  
Jeffery N. Lüthi  
Clerk of the Panel

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SEP 24 2008

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UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

**IN RE: HAWAIIAN AND GUAMANIAN CABOTAGE  
ANTITRUST LITIGATION**

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FOR THE PANEL:

  
Jeffrey N. Lüthi  
Clerk of the Panel